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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s): Martin et al.

Docket No.

BUR920040053US1

Application No. 10/711,742	Filing Date 10/01/2004	Examiner Lindsay Jr, Walter Lee	Group Art Unit 2812
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Invention: GATE STACKS

I hereby certify that this

**Restriction Election (2 pages)**

*(Identify type of correspondence)*

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DOCKET NO.: BUR920040053US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Martin *et al.*

Examiner: Lindsay Jr, Walter Lee

Serial No.: 10/711,742

Art Unit: 2812

Filed: 10/01/2004

For: GATE STACKS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sit:

RESTRICTION ELECTION

In response to the Restriction Requirement dated October 5, 2005, Applicants hereby provisionally elect Group II, claims 1-8 and 13-20, drawn to a method of forming a semiconductor structure, classified in Class 438, subclass 305. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unselected claims 9-12, drawn to a semiconductor structure.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy

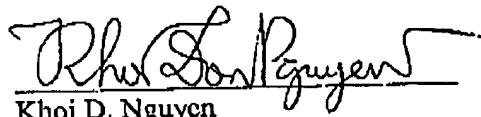
10/711,742

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should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: November 03, 2005

  
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